

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RODRIGUEZ WHORTON

Petitioner,

v.

Case No. 10-13902
Hon. Lawrence P. Zatkoff

PAUL KLEE,

Respondent.

**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter comes before the Court on the Magistrate Judge's Report and Recommendation [dkt 23], in which the Magistrate Judge recommends that the Court deny Petitioner's application for the writ of habeas corpus and deny Petitioner a certificate of appealability [dkt 1]. No objections were filed to the Magistrate's Report and Recommendation, and the time period in which to do so has elapsed. *See* Fed. R. Civ. P 72(b)(2).

The Court has thoroughly reviewed the court file and the Report and Recommendation. As a result of that review, the Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Accordingly, IT IS HEREBY ORDERED that Petitioner's application for the writ of habeas corpus and certificate of appealability [dkt 1] is DENIED and this cause of action is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
Hon. Lawrence P. Zatkoff
U.S. District Judge

Date: November 19, 2012